## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

10/624,925

Confirmation No. 6764

Applicants

Russell E. Evans et al.

Filed

July 21, 2003

Title

METHOD OF MANUFACTURING OPTICAL-QUALITY

POLARIZED PART INCORPORATING HIGH-IMPACT

POLYURETHANE-BASED MATERIAL

TC/A.U.

1732

Examiner

Mathieu D. Vargot

Docket No.

07K8-105546

Customer No.:

30764

## SUPPLEMENTAL DECLARATION OF RUSSELL E. EVANS, THOMAS A. BALCH AND NANCY L. S. YAMASAKI UNDER 37 C.F.R. §1.131

We, Russell E. Evans, Thomas A. Balch, and Nancy L. S. Yamasaki, of Long Beach, California, each separately declare that:

- 1. I am a joint inventor of the invention disclosed and claimed in the aboveidentified application.
- 2. Prior to November 2, 2000, Russell E. Evans, Thomas Balch and Nancy L. S. Yamasaki, through our collective efforts, jointly conceived of methods of manufacturing an optical-quality polarized part, as presently claimed in the application. As evidence, we present with this declaration a table (Exhibit A) correlating claim elements to two sets of Russell Evans' research notes (Exhibits B and C, respectively); four flowcharts marked as Figures 1-4, which were prepared by Nancy Yamasaki in preparation for the parent patent application Serial No. 09/804,785 (Exhibit D); and additional notes prepared by Nancy Yamasaki in preparation for the parent patent application (Exhibit E). All of these documents were created prior to November 2, 2000. In the Exhibits, information directly related to the claim elements are numerically labeled

in the margins for easier reference; dates and other information not needed to correlate to the claim elements have been redacted.

- 3. The documents provided in Exhibits B-E combine to depict all of the elements of pending claims 13-32, as described by detailed reference in the table of Exhibit A.
- 4. Exhibits B and C describe two discrete sets of research experiments, both conducted directly by Russell Evans prior to November 2, 2000, using liquid-phase polymeric material to make optical-quality parts of high-impact polyurethane-based material. These experiments with the high-impact polyurethane-based material were conducted both with and without polarizers, in order to further evaluate the methods of manufacturing. The experiments demonstrate the development of manufacturing concepts by the inventors, and preliminary evaluation of embodiments of those concepts.
- 5. The heading of "Phoenix" on Exhibit B and the heading in Exhibit C of "Used stop/start to fill assemblies (foot control better)" indicate that these experiments were conducted with high-impact polyurethane-based material. "Phoenix" identifies the location for the machinery used in Russell Evans' experiments. At the time of Russell Evan's experiments, it was only at this location that we had access to equipment that could process the high-impact polyurethane-based optical material, and at that location, no other types of material were processed by us. Similarly, the description in Exhibit C of a filling method ("Used stop/start") is our description of a particular filling technique that was only associated with the processing of high-impact polyurethane-based optical material into an optical construct. It describes an interrupted method (stop/start) of introducing the liquid-phase polymeric material into the mold cavity.

- 6. Furthermore, Russell Evans' notes in Exhibits B and C describe experiments in making optical-quality parts of high-impact polyurethane-based material using sidefill gasket technologies. This is evidenced, for example, by reference to a "Double Port" in Exh. B, point 4, and points 2-3 in Exh. C, which comment that [an] occasional bubble may be due to: "Position of Fill Port (closer to back)", and "Early design gasket [freehand sketch of gasket ports included] Better Very few bubbles." Earlier development of these sidefill gasket technologies is described in the inventors' U.S. Patent No. 6,391,231, assigned to Younger Mfg. Co.
- 7. Russell Evans' notes in Exhibits B and C further comment on the importance of a reservoir on the gasket. This is evidenced, for example, by reference to "Need Reservoir on gasket" at point 2a in Exhibit B, and the comment at point 2b that "Bubbles result of Ø Reservoir." The "Ø" symbol is a quick abbreviation for "zero" or "lack of." In this context, "bubbles" refer to voids in the lens structure. Russell Evans' observation that "Bubbles result of Ø Reservoir" identifies recognition that shrinkage of the material is causing a void, and a reservoir of additional material to supply more material is needed. Further development of this concept is evidenced by the comment in Exhibit C, point 4 "Gasket reservoir opening too small results in slight cavitation," which indicates that a prototype reservoir was tested by Russell Evans, but its design may not have been optimal.
- 8. Figures 1-4 of Exhibit D became Figs. 3-6, respectively, of patent application Serial No. 10/624,925.
- 9. Exhibit E constitutes excerpts from a lengthy document prepared by Nancy Yamasaki to describe the invention to patent counsel. (Notes in the document of Exhibit E that were not necessary to correlate with the claim elements have been redacted.) As mentioned above, information directly related to the claim elements is numerically labeled in the margins

for easier reference. In addition, many of the notes in Exhibit E were incorporated into the patent application, and are identified by the corresponding paragraph designations (in square brackets), as found in the published application US 2004/0017610 A1.

- 10. In the text of Exhibit E, the common abbreviation of "PET" is used to identify polyethylene terephthalate.
- 11. The pre-November 2, 2000 documents provided in Exhibits B-E also evidence diligent reduction to practice. This took the form of both actual experiments as discussed in Exhibits B and C, and preparation for the constructive reduction to practice of the patent application, as shown in Exhibits D and E.
- 12. Similar efforts toward reduction to practice were continued by the inventors Russell Evans, Thomas Balch and Nancy Yamasaki within the scope of our technical and business activities at least up to the time of the filing of the parent patent application Serial No. 09/804,785 on March 13, 2001.
- 13. The acts constituting our conception and diligent reduction to practice of the methods of manufacturing an optical-quality polarized part, as described in this declaration and the accompanying Exhibits, were carried out in the United States, at the times mentioned.
- 14. All statements made herein of our own knowledge are true, and all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful false statements are punishable by fine or imprisonment, or both under

§1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: September 1, 2008

lussell E. Evans

Date: September 25, 2008

Thomas A. Balch

Date: September 25, 2008

Nancy L. S. Yamasaki

Claim Text of 10/624,925	Supporting Evidence of Conception prior to November 2, 2000
Claim 13: A method of manufacturing an optical- quality polarized part comprising:	Exh. D, Figures 1-4 describe manufacturing methods.
forming a high impact polyurethane-based optical construct by admitting a liquid-phase polymeric material into a mold cavity,	Supplemental Declaration of Russell E. Evans, Thomas A. Balch and Nancy L. S. Yamasaki "Supplemental Declaration" at ¶ 4 and ¶ 5
wherein the liquid-phase polymeric material is formulated to set within about 30 seconds,	Evb E n E 1 "At ston 20" refere to Evb D Fig 1
and wherein the mold cavity is defined in part by a sidefill gasket including one or more inlet port holes	Exh. E, p.5, 1. "At step 30" refers to Exh. D, Fig.1.  Exh. E, p. 8, 3. "09/447,445" refers to Younger Mfg. Co.'s  US patent application " Method for side-fill casting", now  US Patent #6,391,231; Exh. C, 3 "Early design gasket  (sketch showing two offset port holes) better Very few bubbles"
for admitting the liquid-phase polymeric material into the mold cavity to fill the mold cavity within about 30 seconds	Exh. B, 1. "fill time 16 seconds"; Exh. C, 1. "Fill time approx 13 sec.s"
and further including an adjacent reservoir for supplying additional liquid-phase polymeric material into the mold cavity via the one or more inlet port holes as the admitted material shrinks during cure,	Exh. B., 2a. "Need reservoir on gasket"; Exh. B., 2b. "Bubbles result of Ø (lack of) reservoir"; Exh. C, 4. "Gasket reservoir opening too small results in slight cavitation"
and bonding a polarizer to the optical construct.	Exh. D, Figure 4 and Exh. E, p. 8, 1a and 1b describes some methods of bonding; Exh. E., p. 8, 2 describes a test to evaluate the bonding of the polarizer to the lens (a type of optical construct)
	Exh. C, p. 2, 5. "Polarized" identifies experiments to make polarized optical parts. Exh. C, p. 2, 6 "Filled back side" indicates filling onto one side of polarizer. Exh. D, Figures 1 and 3, step 30.
Claim 15: A method of manufacturing an optical- quality polarized part according to claim 13 wherein the step of admitting liquid-phase polymeric material into the mold cavity includes admitting such material	Exh. D, Figure 2, step 32.
Claim 16: A method of manufacturing an optical- quality polarized part according to claim 15 wherein the step of admitting liquid-phase polymeric material into the mold cavity includes admitting such material simultaneously onto both sides of the polarizer.	Exh. D, Figure 2, figure title and step 32.
Claim 17: A method of manufacturing an optical- quality polarized part according to claim 13 wherein the step of bonding the polarizer to the optical construct occurs after the step of forming the optical	
Claim 18: A method of manufacturing an optical- quality polarized part according to claim 13 wherein he polarizer comprises a polyethylene terephthalate	Exh. D, Figure 4; Exh. E, p. 8, 1b.  Exh. E, p. 5, 2. "Step 40" and "Figure 1" refer to Exh. D, Figure 1. (Exh. D, Figure 1 became Fig. 3 of the patent application.)

Supporting Evidence of Conception prior to
November 2, 2000
- 30 -
Exh. E, p. 9, 1. The reference to "PCT/US 99/27807
which is a companion to Younger Mfg. Co.'s US patent #
6,391,231 "Method of side-fill lens casting"
Exh. E., p. 8, 3. "material was admitted to only the region
of the assembly behind the polarizer"; last two sentences
describe a lens; Exh. E., p. 6, 3a describes introducing
liquid polymer material on both sides of the polarizer.
Exh. E, p. 6, 3b describes positioning the polarizer near
(within 1.5 mm to 0.5 mm) of the front surface of the lens
blank.
Exh. E., p. 6, 2. "Step 10" refers to Exh. D, figure 2.
Exh. E., p. 6, 2. "Step 10" refers to Exh. D, figure 2.
Exh. B, 3. "NuPolar" identifies Younger Mfg. Co.'s trade
name for polarized lenses.
Exh. B, 4 and 5. "Double Port" and "2nd Fill Port Plugs up"
identifies a sidefill gasket with at least two port holes.
Exh. C, 4.
Exh. E, p. 6, 4. "Figure 2" and "step 32" refer to Figure 2
of Exh. D.
OI LAII. D.
Exh. E, p.5, 1. "At step 30" refers to Exh. D, Fig.1.
Exit. L, p.o., 1. At step 30 Telefs to Exit. D, Fig. 1.
Fish D 2s and 2h Fish O 4
Exh. B, 2a and 2b; Exh. C, 4.
•
Exh. E, p. 8, 3; Exh. E, p. 6, 3a and 3b.
Exh. E, p. 5, 2.

Claim Text of 10/624,925	Supporting Evidence of Conception prior to November 2, 2000
the step of forming includes venting gas and/or excess liquid-phase polymeric material from at least one side of the polarizer via the one or more vent holes.	Exh. E, p. 9, 1.
Claim 25: A method of manufacturing a polarized lens according to claim 23 further comprising a step of applying a hard coating to the surface of the polarizer.	Exh. E, p. 5, 3. "Step 60" refers to Exh. D, figure 1; Exh. E, p. 8, 1b. "Step 60" refers to Exh. D, figure 4.
Claim 26: A method of manufacturing a polarized lens according to claim 23 further comprising a step of treating the surface of the polarizer for integral bonding to the lens.	Exh. E, p.6, 2. "Step 10" refers to Exh. D, figure 2.
Claim 27: A method of manufacturing a polarized lens comprising: positioning a polarizer within a mold cavity that is defined in part by a sidefill gasket including one or more inlet port holes and an adjacent reservoir; and forming a high-impact polyurethane-based optical construct by admitting a liquid-phase polymeric material into the mold cavity via the one or more inlet port holes, wherein the liquid-phase polymeric material is formulated to set within about 30 seconds, the reservoir thereafter supplying additional liquid-phase polymeric material into the mold cavity via the one or more inlet port holes as the previously admitted material shrinks during cure; wherein the method forms a solid polarized lens with the polarizer at or near a front surface of the lens;	See Claim 23 supporting evidence above
and wherein the polarizer comprises a wafer.	Exh. E, p. 8, 3. "PC/PVA/PC wafer" at point c. in the RESULTS: Table identifies a polarizer of wafer construction.
Claim 28: A method of manufacturing a polarized lens according to claim 27 wherein: the sidefill gasket includes one or more vent holes; and the step of forming includes venting gas and/or excess liquid-phase polymeric material from at least	Exh. E, p. 8, 3.
one side of the polarizer via the one or more vent	Exh. E, p. 9, 1.
	Exh. E, p. 5, 3; Exh. E, p. 6, 1.
Claim 30: A method of manufacturing a polarized lens according to claim 27 further comprising a step of treating the surface of the polarizer for integral bonding to the lens.	Exh. E, p. 6, 2. "Step 10" refers to Exh. D, figure 2.

Claim Text of 10/624,925	Supporting Evidence of Conception prior to November 2, 2000	
Claim 31: A method of manufacturing an optical-quality polarized part according to claim 13 wherein: the one or more inlet port holes of the sidefill gasket include a plurality of inlet port holes; and the step of admitting liquid-phase polymeric material into the mold cavity includes admitting such material via the plurality of inlet port holes onto both sides of the polarizer.	Exh. E, p. 6, 3a, 3b and 4.	
Claim 32: A method of manufacturing a polarized lens according to claim 27 wherein: the one or more inlet port holes of the sidefill gasket include a plurality of inlet port holes; and the step of admitting liquid-phase polymeric material into the mold cavity includes admitting such material via the plurality of inlet port holes onto both sides of the polarizer.	Exh. E, p. 6, 3a, 3b, 4 and 5.	

PROGRAM

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- SEMPLY 166

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Exhibit B

FILE THE APPROX BUCES 10
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USED STOP STOPS TO SIL ASSEMBLIES (FOOT COMPOL)

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- HOT OPPERT SIZE HOSSIE/GASKET

- POSITION OF FILL POST (CLOSES TO BROW)

GORD DESIGNILASKET LOOT BETTER USES

FELD BURGLES

- GASKET RESERVOIS OPERATION

1 SLIGHT CANTATION

4

Exhibit C page 1 of 2

## POLARISSO I FiLED ALL PARTS

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- FEDRA FILES DX WITH VENT OPOSEINE

- . REDUCED POPER GU . BETTER

Exhibit C page 2 of 2

Figure 1: Manufacturing flowchart for one-sided fill of optical polarized part

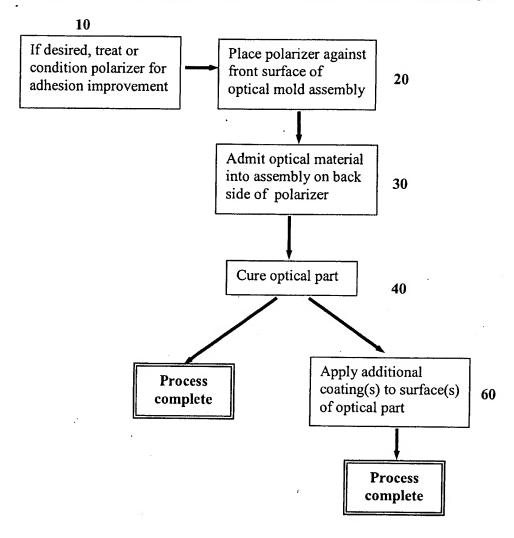


Exhibit D
page 1 of 4

Redacted

Figure 2: Manufacturing flowchart for two-sided simultaneous fill of optical polarized part

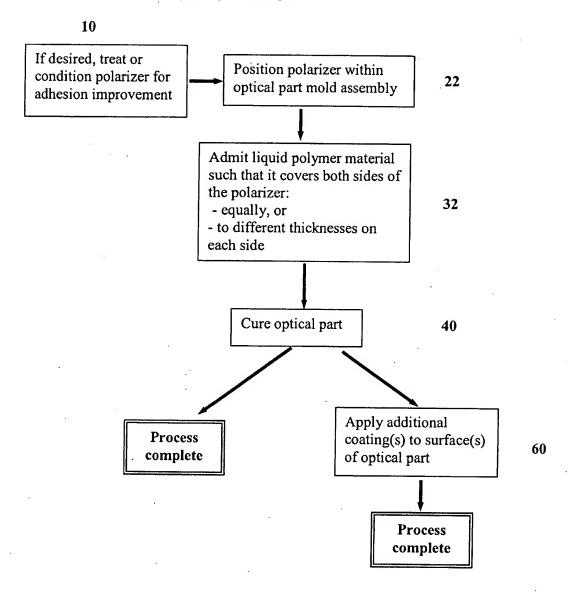


Exhibit D page 2 of 4

Figure 3: Manufacturing flowchart for two-sided sequential fill of optical polarized part

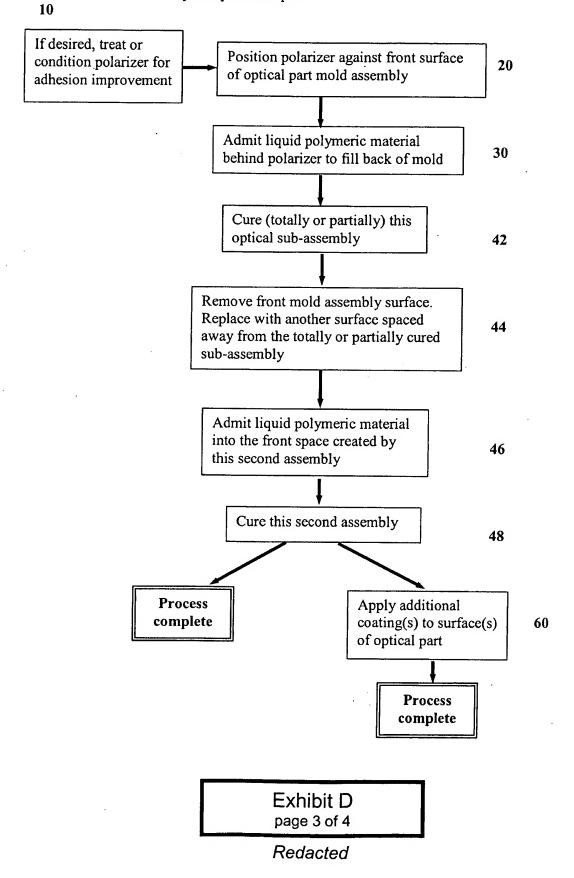
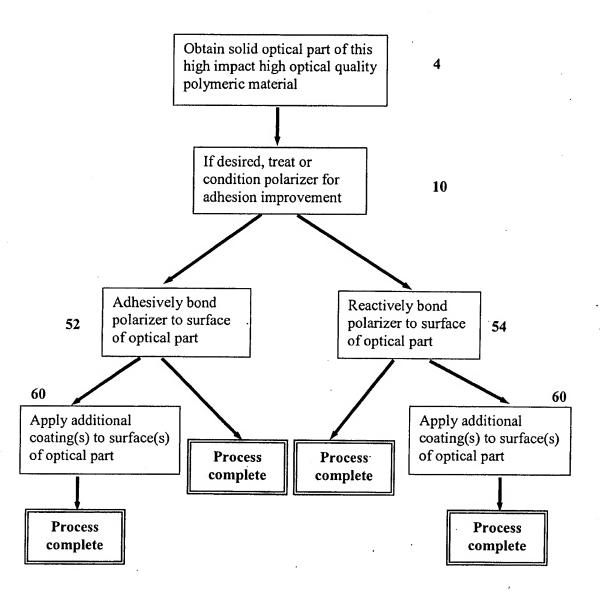
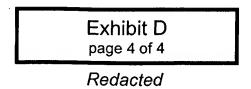


Figure 4: Manufacturing flowchart for addition of PET-type polarizer to pre-existing solid optical part





## Polarized eyewear using high impact, high optical quality polymeric material

Inventors:

Russell Evans, Thomas Balch, Nancy Yamasaki

Background of the invention:

The field of the present invention relates to the use of a high impact, lightweight, high optical quality polymeric material in polarized optical parts, particularly eyewear.

[0002]

Redacted to page 5

At step 30, the optical material is introduced into the mold assembly. This polymeric material has a viscosity of approximately 1000 centipoise. It is commonly maintained prior to use as two pre-mixed components held at room temperature(20-27°C) and slightly elevated temperature (53-66°C), respectively. When combined at the point of use, the mixture exothermically reacts and begins to solidify within 30 seconds.		<b>1</b> [0047]	
		•,	
Two exemplary sequences for curing optical parts are: 1. Fill cavity of the mold assembly at room temperature. Within 10 min has gelled to inhibit flow during movement), place the mold assembly assembly for 16-18 hours, then remove optical part from assembly.	nutes (when polymeric material in an oven at 121°C. Cure in	[0051] [0052]	
2. Fill cavity of the mold assembly at room temperature. Place assemb Remove optical part from assembly and continue curing part in a 121°	ly in oven at 121°C for 3 hours.  C oven for an additional 15 hours.	[0053]	
Step 40 may be the final step in Figure 1's manufacturing process if the for its intended optical environment. Sufficient robustness is determine intended use of the part. For instance, one could not use a PVA polarize the process at step 40 if the part were exposed to water or high humidit part would lose efficiency and the polarizer may deform or delaminate depending on application, an outer PET polarizer layer, or polarized water expected wear.	ed by the polarizer chosen, and the ter in the process of Figure 1 and end y in its intended use: the polarized under humid conditions. However.	<b>2</b> [0054] partial	
As an option, additional scratch-resistant or hard coatings may be prefesuch coatings are normally applied to eyewear and other exposed options standard use, or to enhance their optical properties. These coatings may surfaces (including edges) as needed to protect or enhance the parts. Si applied to different surfaces (e.g., a scratch resistant coating on one surfaces on another).	al parts to increase their lifetime in y be applied to front, back or all milarly, different coatings may be	<b>3</b> [0055]	
Several commercial coatings for enhanced scratch, rub and wear resistant environmental stability, are available for ophthalmic lenses or other options.		[0056]	

At step 30, the optical material is introduced into the mold assembly. This polymeric material has a

applied in the liquid state by roll, spin or dip coating, for example. Depending on the chemistry of the coating solution, the liquid film is converted to a harder, solid layer by thermal, ultraviolet, infrared or other means of irradiation, reactive initiators or other reactive methods. Vacuum-deposited coatings may be applied as an alternate to the liquid coating, or in addition to cured liquid coatings. Such vacuum coatings may provide additional protection from physical wear, environmental degradation, or further control of the optical properties of the part. For instance, the liquid or vacuum deposited coatings may alter light throughput in a particular energy region, to give anti-reflective or reflective (mirror) properties, alter the perceived color of the part, or reduce exposure to e.g., infrared or ultraviolet emissions.	[0056]
This coating is then the final step in the basic manufacturing process. For the process outlined in Figure 1, the final coating step 60 can provide preferred properties for optical parts constructed with e.g., PET, PVA and wafer polarizers.	<b>1</b> [0057] partial
Figure 2 outlines a manufacturing process that positions the polarizer within the bulk of the optical part. This manufacturing approach may be used for better environmental and wear protection for delicate polarizers (such as PVA films) or for demanding applications. For example, certain applications may benefit uniquely from protecting the polarizer securely within the impact resistant polymeric material. These could include safety or shielding helmets, goggles, or glasses, or display and window applications that may be subjected to high wind, pressure, vacuum, or other harsh conditions.	[0058]
Step 10 as previously allows treatment, conditioning, coating or other preparations of the polarizing medium for enhanced adhesion and/or integral bonding within the optical part. In this manufacturing process, it may be most preferred to prepare both surfaces of the polarizer for improved adhesion. This can be accomplished, for example, by dip coating for a liquid surface treatment, by simultaneous or sequential exposure for irradiation treatment, and by sequential or simultaneous physical roughening, cleaning, or conditioning of the surface.	<b>2</b> (0059)
At step 22 of Figure 2, the polarizer is positioned and supported within the mold assembly such that liquid polymer material may be introduced on both sides of the polarizer. This means that the polarizer is not resting against either of the outer molding surfaces. The invention of Application 09/447,445 describes suitable gaskets to support and securely position the polarizer within the thickness of such an assembly. Depending on the final use of the optical part, the polarizer may be positioned equidistantly from each outer molding surface, or nearer one surface than the other. For example, to form a semifinished ophthalmic lens blank (commonly 6-15 mm total thickness), it is preferable to position the polarizer within 1.5 mm to 0.5 mm of the front molding surface. This ensures that the lens blank can be ground to prescription without cutting into the polarizer, even for lenses with a final center thickness of 2.2-1.8 mm. However, for display or non-prescription eyewear applications, it may be preferable to place the polarizer equidistant within the optical part for optimal protection on both sides of the polarizer.	3a [0060] 3b
To form the optical polarized part described in Figure 2, liquid polymeric material is introduced on both sides of the polarizer at step 32. The gasket of 09/447,445 allows simultaneous introduction of material on both sides of the polarizer layer  Similarly, the filling throughhole(s) may be specifically designed to admit equal or differential distribution of the material around the polarizer, as required to achieve equal or dissimilar thicknesses of polymeric material on the front and back surfaces of the polarized optical part.	<b>4</b> [0061] partial
Step 40 is identical to the previous process, and may be the final, manufacturing step for some optical parts. Since Figure 2 describes a process that encapsulates the polarizer, this may yield a sufficiently robust part with PET, wafer and even the more environmentally sensitive PVA-type polarizers.	<b>5</b> [0062]

One or (one-si	both surfaces may be treated ded treatment preferred) or u	l, depending on whether the PE ndergo further coating.	Γ polarizer will form the outer surface	[0072] partial
step 52 adhesir reactiv preferr to surf	2, an optical adhesive is used we such as HE 17017 available treatment or modification of approach, because such treatment or catery, of acceroughness and scatter), o	to bond the polarizer to the opti- e from Hartels Plastics may be f the optical part to effect adhes eatment may damage the optical	optical part with the PET polarizer. In cal part's surface. A two-part optical used. Step 54, in contrast, involves the ion to the polarizer. This is a less quality of the part (e.g., etching leads rt (e.g., chemical or physical surface and commental resistance).	<b>1a</b> [0073]
polariz	er, to the existing part may be	ng and exposure, bonding a stabe the final step in this manufactu n Step 60 following either bond	ele polarizer, for example the PET-type aring process. If more wear-resistance ing process.	<b>1b</b> [0074]
Examp	oles:			
For cor	nvenience and economy, there	moset mold assemblies were use	ed in the following examples.	[0076]
into the determine before failure	e lens from the back almost to ine where adhesion is lost. In the lens delaminated. This m	the front surface, and then brea a few instances, the intrinsic co eans that a very strong bond wa between the polarizer and one of	harrow cross-section of the lens, scoring king the lens along the score line to obhesiveness of the polarizer was exceeded a achieved. For weaker bonds, adhesion its protective layers (for a multilayer	[0077]
cavity. The len	The high impact material wa	s introduced into the cavity and som temperature for <10 minute	rith a polarizer mounted within the lens allowed to flow around the polarizer. es (until mixture gels). The lens was	[0078]
RESUL		. B. 1		[0070]
a.	Polarizer type  PVA polarizer film, treated for adhesion	Displacement of pola  Yes-unacceptable	rizer? Adhesion	[0079]
the polarize	rizer resting against the front les in addition to a filling por er film. The lens was allowed	mold surface. Using a gasket of t, material was admitted to only	noset mold cavity was assembled with design as described in 09/447,445 with the region of the assembly behind the for <10 minutes (until mixture gels).	<b>3</b> [0080] partial
RESUL		Disabas and C. L. C.		r00013
	Polarizer type	Displacement of polarizer?	Adhesion	[0081]
a.	PET polarizer film UV treated on back surfac		delaminated with edge pressure	·
b. с.	PET polarizer, untreated PC/PVA/PC wafer	No No	Poorer adhesion than a. Yes- PASSED TEST	

Example 3. Manufacturing method as in Figure 2. A thermoset mold cavity was assembled with a polarizing layer using a gasket design as described in PCT/US 99/27807. Specifically, a slot-shaped port [0082] hole acted as the fill port to introduce, in a controlled manner, the thermosetting resin material along the edge axis of the embedded layer. Two port holes functioning as vent holes were located above the edge axis of the embedded material, i.e., on the thinner side of the lens to allow egress of any gases from the front surface of the lens. An additional vent port was located below the edge axis of the embedded material on the thicker side of the lens to allow egress of any gases from the back lens surface. A curved fill nozzle designed to match the slot-shaped fill port was used to introduce material into the cavity around the polarizing layer until the cavity was full and a small amount of material flowed out of the egress holes. After standard curing as in Example 1, the gasket was removed. **RESULTS:** Polarizer type Displacement of polarizer? **Adhesion** [0083] PVA polarizer film Some displacement Yes No gas bubbles were entrapped in the lens during this manufacturing process. [0084]

Remainder Redacted through end, page 13